

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Tobacco Accessories and Smoking Herbs  
5 Control Act is amended by changing Sections 4 and 5 as follows:

6 (720 ILCS 685/4) (from Ch. 23, par. 2358-4)

7 Sec. 4. Offenses.

8 (a) Sale to minors. No person shall knowingly sell, barter,  
9 exchange, deliver or give away or cause or permit or procure to  
10 be sold, bartered, exchanged, delivered, or given away tobacco  
11 accessories or smoking herbs to any person under 18 years of  
12 age.

13 (a-5) Sale of bidi cigarettes. No person shall knowingly  
14 sell, barter, exchange, deliver, or give away a bidi cigarette  
15 to another person, nor shall a person cause or permit or  
16 procure a bidi cigarette to be sold, bartered, exchanged,  
17 delivered, or given away to another person.

18 (b) Sale of cigarette paper. No person shall knowingly  
19 offer, sell, barter, exchange, deliver or give away cigarette  
20 paper or cause, permit, or procure cigarette paper to be sold,  
21 offered, bartered, exchanged, delivered, or given away except  
22 from premises or an establishment where other tobacco products  
23 are sold. For purposes of this Section, "tobacco products"

1 means cigarettes, cigars, smokeless tobacco, or tobacco in any  
2 of its forms.

3 (b-5) Sale of flavored wrapping paper and wrapping leaf. A  
4 person shall not knowingly sell, give away, barter, exchange,  
5 or otherwise furnish to any person any wrapping paper or  
6 wrapping leaf, however characterized, including, without  
7 limitation, cigarette papers, blunt wraps, cigar wraps, or  
8 tubes of paper or leaf, or any similar device, for the purpose  
9 of making a roll of tobacco or herbs for smoking, that is or is  
10 held out to be, impregnated, scented, or imbibed with, or aged  
11 or dipped in, a characterizing flavor, other than tobacco or  
12 menthol, including, without limitation, alcoholic or liquor  
13 flavor, or both, chocolate, fruit flavoring, vanilla, peanut  
14 butter, jelly, or any combination of those flavors or similar  
15 child attractive scent or flavor.

16 (c) Sale of cigarette paper from vending machines. No  
17 person shall knowingly offer, sell, barter, exchange, deliver  
18 or give away cigarette paper or cause, permit, or procure  
19 cigarette paper to be sold, offered, bartered, exchanged,  
20 delivered, or given away by use of a vending or coin-operated  
21 machine or device. For purposes of this Section, "cigarette  
22 paper" shall not include any paper that is incorporated into a  
23 product to which a tax stamp must be affixed under the  
24 Cigarette Tax Act or the Cigarette Use Tax Act.

25 (d) Use of identification cards. No person in the  
26 furtherance or facilitation of obtaining smoking accessories

1 and smoking herbs shall display or use a false or forged  
2 identification card or transfer, alter, or deface an  
3 identification card.

4 (e) Warning to minors. Any person, firm, partnership,  
5 company or corporation operating a place of business where  
6 tobacco accessories and smoking herbs are sold or offered for  
7 sale shall post in a conspicuous place upon the premises a sign  
8 upon which there shall be imprinted the following statement,  
9 "SALE OF TOBACCO ACCESSORIES AND SMOKING HERBS TO PERSONS UNDER  
10 EIGHTEEN YEARS OF AGE OR THE MISREPRESENTATION OF AGE TO  
11 PROCURE SUCH A SALE IS PROHIBITED BY LAW". The sign shall be  
12 printed on a white card in red letters at least one-half inch  
13 in height.

14 (Source: P.A. 91-734, eff. 1-1-01.)

15 (720 ILCS 685/5) (from Ch. 23, par. 2358-5)

16 Sec. 5. Penalty.

17 (a) Any person who shall knowingly violate, or shall  
18 knowingly cause the violation of any provision of this Act  
19 other than subsection (a-5) or (b-5) of Section 4 shall be  
20 guilty of a Class C misdemeanor.

21 (b) Any person who knowingly violates or knowingly causes  
22 the violation of subsection (a-5) of Section 4 is guilty of a  
23 petty offense for which the offender may be fined an amount as  
24 follows:

25 (1) For a first offense, not less than \$100 and not

1 more than \$500.

2 (2) For a second offense within a 2-year period, not  
3 less than \$250 and not more than \$500.

4 (3) For a third or subsequent offense within a 2-year  
5 period, not less than \$500 and not more than \$1,000.

6 (c) Any person who knowingly violates or knowingly causes  
7 the violation of subsection (b-5) of Section 4 is guilty of a  
8 petty offense for which the offender shall be fined an amount  
9 of not less than \$100 and not more than \$1,000.

10 (Source: P.A. 91-734, eff. 1-1-01.)

11 Section 10. The Unified Code of Corrections is amended by  
12 changing Section 5-5-3 as follows:

13 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

14 Sec. 5-5-3. Disposition.

15 (a) (Blank).

16 (b) (Blank).

17 (c) (1) (Blank).

18 (2) A period of probation, a term of periodic  
19 imprisonment or conditional discharge shall not be imposed  
20 for the following offenses. The court shall sentence the  
21 offender to not less than the minimum term of imprisonment  
22 set forth in this Code for the following offenses, and may  
23 order a fine or restitution or both in conjunction with  
24 such term of imprisonment:

1 (A) First degree murder where the death penalty is  
2 not imposed.

3 (B) Attempted first degree murder.

4 (C) A Class X felony.

5 (D) A violation of Section 401.1 or 407 of the  
6 Illinois Controlled Substances Act, or a violation of  
7 subdivision ~~(c)(1)~~, (c)(1.5), or (c)(2) of Section 401  
8 of that Act which relates to more than 5 grams of a  
9 substance containing ~~heroin~~, cocaine, fentanyl, or an  
10 analog thereof.

11 (D-5) A violation of subdivision (c)(1) of Section  
12 401 of the Illinois Controlled Substances Act which  
13 relates to 3 or more grams of a substance containing  
14 heroin or an analog thereof.

15 (E) A violation of Section 5.1 or 9 of the Cannabis  
16 Control Act.

17 (F) A Class 2 or greater felony if the offender had  
18 been convicted of a Class 2 or greater felony,  
19 including any state or federal conviction for an  
20 offense that contained, at the time it was committed,  
21 the same elements as an offense now (the date of the  
22 offense committed after the prior Class 2 or greater  
23 felony) classified as a Class 2 or greater felony,  
24 within 10 years of the date on which the offender  
25 committed the offense for which he or she is being  
26 sentenced, except as otherwise provided in Section

1 40-10 of the Alcoholism and Other Drug Abuse and  
2 Dependency Act.

3 (F-5) A violation of Section 24-1, 24-1.1, or  
4 24-1.6 of the Criminal Code of 1961 for which  
5 imprisonment is prescribed in those Sections.

6 (G) Residential burglary, except as otherwise  
7 provided in Section 40-10 of the Alcoholism and Other  
8 Drug Abuse and Dependency Act.

9 (H) Criminal sexual assault.

10 (I) Aggravated battery of a senior citizen as  
11 described in Section 12-4.6 or subdivision (a)(4) of  
12 Section 12-3.05.

13 (J) A forcible felony if the offense was related to  
14 the activities of an organized gang.

15 Before July 1, 1994, for the purposes of this  
16 paragraph, "organized gang" means an association of 5  
17 or more persons, with an established hierarchy, that  
18 encourages members of the association to perpetrate  
19 crimes or provides support to the members of the  
20 association who do commit crimes.

21 Beginning July 1, 1994, for the purposes of this  
22 paragraph, "organized gang" has the meaning ascribed  
23 to it in Section 10 of the Illinois Streetgang  
24 Terrorism Omnibus Prevention Act.

25 (K) Vehicular hijacking.

26 (L) A second or subsequent conviction for the

1 offense of hate crime when the underlying offense upon  
2 which the hate crime is based is felony aggravated  
3 assault or felony mob action.

4 (M) A second or subsequent conviction for the  
5 offense of institutional vandalism if the damage to the  
6 property exceeds \$300.

7 (N) A Class 3 felony violation of paragraph (1) of  
8 subsection (a) of Section 2 of the Firearm Owners  
9 Identification Card Act.

10 (O) A violation of Section 12-6.1 or 12-6.5 of the  
11 Criminal Code of 1961.

12 (P) A violation of paragraph (1), (2), (3), (4),  
13 (5), or (7) of subsection (a) of Section 11-20.1 of the  
14 Criminal Code of 1961.

15 (Q) A violation of Section 20-1.2 or 20-1.3 of the  
16 Criminal Code of 1961.

17 (R) A violation of Section 24-3A of the Criminal  
18 Code of 1961.

19 (S) (Blank).

20 (T) A second or subsequent violation of the  
21 Methamphetamine Control and Community Protection Act.

22 (U) A second or subsequent violation of Section  
23 6-303 of the Illinois Vehicle Code committed while his  
24 or her driver's license, permit, or privilege was  
25 revoked because of a violation of Section 9-3 of the  
26 Criminal Code of 1961, relating to the offense of

1           reckless homicide, or a similar provision of a law of  
2           another state.

3           (V) A violation of paragraph (4) of subsection (c)  
4           of Section 11-20.1B or paragraph (4) of subsection (c)  
5           of Section 11-20.3 of the Criminal Code of 1961.

6           (W) A violation of Section 24-3.5 of the Criminal  
7           Code of 1961.

8           (X) A violation of subsection (a) of Section 31-1a  
9           of the Criminal Code of 1961.

10          (Y) A conviction for unlawful possession of a  
11          firearm by a street gang member when the firearm was  
12          loaded or contained firearm ammunition.

13          (Z) A Class 1 felony committed while he or she was  
14          serving a term of probation or conditional discharge  
15          for a felony.

16          (AA) Theft of property exceeding \$500,000 and not  
17          exceeding \$1,000,000 in value.

18          (BB) Laundering of criminally derived property of  
19          a value exceeding \$500,000.

20          (CC) Knowingly selling, offering for sale, holding  
21          for sale, or using 2,000 or more counterfeit items or  
22          counterfeit items having a retail value in the  
23          aggregate of \$500,000 or more.

24          (DD) A conviction for aggravated assault under  
25          paragraph (6) of subsection (c) of Section 12-2 of the  
26          Criminal Code of 1961 if the firearm is aimed toward



1           the person against whom the firearm is being used.

2           (3) (Blank).

3           (4) A minimum term of imprisonment of not less than 10  
4 consecutive days or 30 days of community service shall be  
5 imposed for a violation of paragraph (c) of Section 6-303  
6 of the Illinois Vehicle Code.

7           (4.1) (Blank).

8           (4.2) Except as provided in paragraphs (4.3) and (4.8)  
9 of this subsection (c), a minimum of 100 hours of community  
10 service shall be imposed for a second violation of Section  
11 6-303 of the Illinois Vehicle Code.

12           (4.3) A minimum term of imprisonment of 30 days or 300  
13 hours of community service, as determined by the court,  
14 shall be imposed for a second violation of subsection (c)  
15 of Section 6-303 of the Illinois Vehicle Code.

16           (4.4) Except as provided in paragraphs (4.5), (4.6),  
17 and (4.9) of this subsection (c), a minimum term of  
18 imprisonment of 30 days or 300 hours of community service,  
19 as determined by the court, shall be imposed for a third or  
20 subsequent violation of Section 6-303 of the Illinois  
21 Vehicle Code.

22           (4.5) A minimum term of imprisonment of 30 days shall  
23 be imposed for a third violation of subsection (c) of  
24 Section 6-303 of the Illinois Vehicle Code.

25           (4.6) Except as provided in paragraph (4.10) of this  
26 subsection (c), a minimum term of imprisonment of 180 days

1 shall be imposed for a fourth or subsequent violation of  
2 subsection (c) of Section 6-303 of the Illinois Vehicle  
3 Code.

4 (4.7) A minimum term of imprisonment of not less than  
5 30 consecutive days, or 300 hours of community service,  
6 shall be imposed for a violation of subsection (a-5) of  
7 Section 6-303 of the Illinois Vehicle Code, as provided in  
8 subsection (b-5) of that Section.

9 (4.8) A mandatory prison sentence shall be imposed for  
10 a second violation of subsection (a-5) of Section 6-303 of  
11 the Illinois Vehicle Code, as provided in subsection (c-5)  
12 of that Section. The person's driving privileges shall be  
13 revoked for a period of not less than 5 years from the date  
14 of his or her release from prison.

15 (4.9) A mandatory prison sentence of not less than 4  
16 and not more than 15 years shall be imposed for a third  
17 violation of subsection (a-5) of Section 6-303 of the  
18 Illinois Vehicle Code, as provided in subsection (d-2.5) of  
19 that Section. The person's driving privileges shall be  
20 revoked for the remainder of his or her life.

21 (4.10) A mandatory prison sentence for a Class 1 felony  
22 shall be imposed, and the person shall be eligible for an  
23 extended term sentence, for a fourth or subsequent  
24 violation of subsection (a-5) of Section 6-303 of the  
25 Illinois Vehicle Code, as provided in subsection (d-3.5) of  
26 that Section. The person's driving privileges shall be

1           revoked for the remainder of his or her life.

2           (5) The court may sentence a corporation or  
3           unincorporated association convicted of any offense to:

4                   (A) a period of conditional discharge;

5                   (B) a fine;

6                   (C) make restitution to the victim under Section  
7           5-5-6 of this Code.

8           (5.1) In addition to any other penalties imposed, and  
9           except as provided in paragraph (5.2) or (5.3), a person  
10          convicted of violating subsection (c) of Section 11-907 of  
11          the Illinois Vehicle Code shall have his or her driver's  
12          license, permit, or privileges suspended for at least 90  
13          days but not more than one year, if the violation resulted  
14          in damage to the property of another person.

15          (5.2) In addition to any other penalties imposed, and  
16          except as provided in paragraph (5.3), a person convicted  
17          of violating subsection (c) of Section 11-907 of the  
18          Illinois Vehicle Code shall have his or her driver's  
19          license, permit, or privileges suspended for at least 180  
20          days but not more than 2 years, if the violation resulted  
21          in injury to another person.

22          (5.3) In addition to any other penalties imposed, a  
23          person convicted of violating subsection (c) of Section  
24          11-907 of the Illinois Vehicle Code shall have his or her  
25          driver's license, permit, or privileges suspended for 2  
26          years, if the violation resulted in the death of another

1 person.

2 (5.4) In addition to any other penalties imposed, a  
3 person convicted of violating Section 3-707 of the Illinois  
4 Vehicle Code shall have his or her driver's license,  
5 permit, or privileges suspended for 3 months and until he  
6 or she has paid a reinstatement fee of \$100.

7 (5.5) In addition to any other penalties imposed, a  
8 person convicted of violating Section 3-707 of the Illinois  
9 Vehicle Code during a period in which his or her driver's  
10 license, permit, or privileges were suspended for a  
11 previous violation of that Section shall have his or her  
12 driver's license, permit, or privileges suspended for an  
13 additional 6 months after the expiration of the original  
14 3-month suspension and until he or she has paid a  
15 reinstatement fee of \$100.

16 (6) (Blank).

17 (7) (Blank).

18 (8) (Blank).

19 (9) A defendant convicted of a second or subsequent  
20 offense of ritualized abuse of a child may be sentenced to  
21 a term of natural life imprisonment.

22 (10) (Blank).

23 (11) The court shall impose a minimum fine of \$1,000  
24 for a first offense and \$2,000 for a second or subsequent  
25 offense upon a person convicted of or placed on supervision  
26 for battery when the individual harmed was a sports

1 official or coach at any level of competition and the act  
2 causing harm to the sports official or coach occurred  
3 within an athletic facility or within the immediate  
4 vicinity of the athletic facility at which the sports  
5 official or coach was an active participant of the athletic  
6 contest held at the athletic facility. For the purposes of  
7 this paragraph (11), "sports official" means a person at an  
8 athletic contest who enforces the rules of the contest,  
9 such as an umpire or referee; "athletic facility" means an  
10 indoor or outdoor playing field or recreational area where  
11 sports activities are conducted; and "coach" means a person  
12 recognized as a coach by the sanctioning authority that  
13 conducted the sporting event.

14 (12) A person may not receive a disposition of court  
15 supervision for a violation of Section 5-16 of the Boat  
16 Registration and Safety Act if that person has previously  
17 received a disposition of court supervision for a violation  
18 of that Section.

19 (13) A person convicted of or placed on court  
20 supervision for an assault or aggravated assault when the  
21 victim and the offender are family or household members as  
22 defined in Section 103 of the Illinois Domestic Violence  
23 Act of 1986 or convicted of domestic battery or aggravated  
24 domestic battery may be required to attend a Partner Abuse  
25 Intervention Program under protocols set forth by the  
26 Illinois Department of Human Services under such terms and

1 conditions imposed by the court. The costs of such classes  
2 shall be paid by the offender.

3 (d) In any case in which a sentence originally imposed is  
4 vacated, the case shall be remanded to the trial court. The  
5 trial court shall hold a hearing under Section 5-4-1 of the  
6 Unified Code of Corrections which may include evidence of the  
7 defendant's life, moral character and occupation during the  
8 time since the original sentence was passed. The trial court  
9 shall then impose sentence upon the defendant. The trial court  
10 may impose any sentence which could have been imposed at the  
11 original trial subject to Section 5-5-4 of the Unified Code of  
12 Corrections. If a sentence is vacated on appeal or on  
13 collateral attack due to the failure of the trier of fact at  
14 trial to determine beyond a reasonable doubt the existence of a  
15 fact (other than a prior conviction) necessary to increase the  
16 punishment for the offense beyond the statutory maximum  
17 otherwise applicable, either the defendant may be re-sentenced  
18 to a term within the range otherwise provided or, if the State  
19 files notice of its intention to again seek the extended  
20 sentence, the defendant shall be afforded a new trial.

21 (e) In cases where prosecution for aggravated criminal  
22 sexual abuse under Section 11-1.60 or 12-16 of the Criminal  
23 Code of 1961 results in conviction of a defendant who was a  
24 family member of the victim at the time of the commission of  
25 the offense, the court shall consider the safety and welfare of  
26 the victim and may impose a sentence of probation only where:

1 (1) the court finds (A) or (B) or both are appropriate:

2 (A) the defendant is willing to undergo a court  
3 approved counseling program for a minimum duration of 2  
4 years; or

5 (B) the defendant is willing to participate in a  
6 court approved plan including but not limited to the  
7 defendant's:

8 (i) removal from the household;

9 (ii) restricted contact with the victim;

10 (iii) continued financial support of the  
11 family;

12 (iv) restitution for harm done to the victim;

13 and

14 (v) compliance with any other measures that  
15 the court may deem appropriate; and

16 (2) the court orders the defendant to pay for the  
17 victim's counseling services, to the extent that the court  
18 finds, after considering the defendant's income and  
19 assets, that the defendant is financially capable of paying  
20 for such services, if the victim was under 18 years of age  
21 at the time the offense was committed and requires  
22 counseling as a result of the offense.

23 Probation may be revoked or modified pursuant to Section  
24 5-6-4; except where the court determines at the hearing that  
25 the defendant violated a condition of his or her probation  
26 restricting contact with the victim or other family members or

1 commits another offense with the victim or other family  
2 members, the court shall revoke the defendant's probation and  
3 impose a term of imprisonment.

4 For the purposes of this Section, "family member" and  
5 "victim" shall have the meanings ascribed to them in Section  
6 11-0.1 of the Criminal Code of 1961.

7 (f) (Blank).

8 (g) Whenever a defendant is convicted of an offense under  
9 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,  
10 11-14.3, 11-14.4 except for an offense that involves keeping a  
11 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,  
12 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,  
13 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the  
14 defendant shall undergo medical testing to determine whether  
15 the defendant has any sexually transmissible disease,  
16 including a test for infection with human immunodeficiency  
17 virus (HIV) or any other identified causative agent of acquired  
18 immunodeficiency syndrome (AIDS). Any such medical test shall  
19 be performed only by appropriately licensed medical  
20 practitioners and may include an analysis of any bodily fluids  
21 as well as an examination of the defendant's person. Except as  
22 otherwise provided by law, the results of such test shall be  
23 kept strictly confidential by all medical personnel involved in  
24 the testing and must be personally delivered in a sealed  
25 envelope to the judge of the court in which the conviction was  
26 entered for the judge's inspection in camera. Acting in



1 accordance with the best interests of the victim and the  
2 public, the judge shall have the discretion to determine to  
3 whom, if anyone, the results of the testing may be revealed.  
4 The court shall notify the defendant of the test results. The  
5 court shall also notify the victim if requested by the victim,  
6 and if the victim is under the age of 15 and if requested by the  
7 victim's parents or legal guardian, the court shall notify the  
8 victim's parents or legal guardian of the test results. The  
9 court shall provide information on the availability of HIV  
10 testing and counseling at Department of Public Health  
11 facilities to all parties to whom the results of the testing  
12 are revealed and shall direct the State's Attorney to provide  
13 the information to the victim when possible. A State's Attorney  
14 may petition the court to obtain the results of any HIV test  
15 administered under this Section, and the court shall grant the  
16 disclosure if the State's Attorney shows it is relevant in  
17 order to prosecute a charge of criminal transmission of HIV  
18 under Section 12-5.01 or 12-16.2 of the Criminal Code of 1961  
19 against the defendant. The court shall order that the cost of  
20 any such test shall be paid by the county and may be taxed as  
21 costs against the convicted defendant.

22 (g-5) When an inmate is tested for an airborne communicable  
23 disease, as determined by the Illinois Department of Public  
24 Health including but not limited to tuberculosis, the results  
25 of the test shall be personally delivered by the warden or his  
26 or her designee in a sealed envelope to the judge of the court

1 in which the inmate must appear for the judge's inspection in  
2 camera if requested by the judge. Acting in accordance with the  
3 best interests of those in the courtroom, the judge shall have  
4 the discretion to determine what if any precautions need to be  
5 taken to prevent transmission of the disease in the courtroom.

6 (h) Whenever a defendant is convicted of an offense under  
7 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
8 defendant shall undergo medical testing to determine whether  
9 the defendant has been exposed to human immunodeficiency virus  
10 (HIV) or any other identified causative agent of acquired  
11 immunodeficiency syndrome (AIDS). Except as otherwise provided  
12 by law, the results of such test shall be kept strictly  
13 confidential by all medical personnel involved in the testing  
14 and must be personally delivered in a sealed envelope to the  
15 judge of the court in which the conviction was entered for the  
16 judge's inspection in camera. Acting in accordance with the  
17 best interests of the public, the judge shall have the  
18 discretion to determine to whom, if anyone, the results of the  
19 testing may be revealed. The court shall notify the defendant  
20 of a positive test showing an infection with the human  
21 immunodeficiency virus (HIV). The court shall provide  
22 information on the availability of HIV testing and counseling  
23 at Department of Public Health facilities to all parties to  
24 whom the results of the testing are revealed and shall direct  
25 the State's Attorney to provide the information to the victim  
26 when possible. A State's Attorney may petition the court to

1 obtain the results of any HIV test administered under this  
2 Section, and the court shall grant the disclosure if the  
3 State's Attorney shows it is relevant in order to prosecute a  
4 charge of criminal transmission of HIV under Section 12-5.01 or  
5 12-16.2 of the Criminal Code of 1961 against the defendant. The  
6 court shall order that the cost of any such test shall be paid  
7 by the county and may be taxed as costs against the convicted  
8 defendant.

9 (i) All fines and penalties imposed under this Section for  
10 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
11 Vehicle Code, or a similar provision of a local ordinance, and  
12 any violation of the Child Passenger Protection Act, or a  
13 similar provision of a local ordinance, shall be collected and  
14 disbursed by the circuit clerk as provided under Section 27.5  
15 of the Clerks of Courts Act.

16 (j) In cases when prosecution for any violation of Section  
17 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
18 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
19 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
20 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
21 12-15, or 12-16 of the Criminal Code of 1961, any violation of  
22 the Illinois Controlled Substances Act, any violation of the  
23 Cannabis Control Act, or any violation of the Methamphetamine  
24 Control and Community Protection Act results in conviction, a  
25 disposition of court supervision, or an order of probation  
26 granted under Section 10 of the Cannabis Control Act, Section

1 410 of the Illinois Controlled Substance Act, or Section 70 of  
2 the Methamphetamine Control and Community Protection Act of a  
3 defendant, the court shall determine whether the defendant is  
4 employed by a facility or center as defined under the Child  
5 Care Act of 1969, a public or private elementary or secondary  
6 school, or otherwise works with children under 18 years of age  
7 on a daily basis. When a defendant is so employed, the court  
8 shall order the Clerk of the Court to send a copy of the  
9 judgment of conviction or order of supervision or probation to  
10 the defendant's employer by certified mail. If the employer of  
11 the defendant is a school, the Clerk of the Court shall direct  
12 the mailing of a copy of the judgment of conviction or order of  
13 supervision or probation to the appropriate regional  
14 superintendent of schools. The regional superintendent of  
15 schools shall notify the State Board of Education of any  
16 notification under this subsection.

17 (j-5) A defendant at least 17 years of age who is convicted  
18 of a felony and who has not been previously convicted of a  
19 misdemeanor or felony and who is sentenced to a term of  
20 imprisonment in the Illinois Department of Corrections shall as  
21 a condition of his or her sentence be required by the court to  
22 attend educational courses designed to prepare the defendant  
23 for a high school diploma and to work toward a high school  
24 diploma or to work toward passing the high school level Test of  
25 General Educational Development (GED) or to work toward  
26 completing a vocational training program offered by the

1 Department of Corrections. If a defendant fails to complete the  
2 educational training required by his or her sentence during the  
3 term of incarceration, the Prisoner Review Board shall, as a  
4 condition of mandatory supervised release, require the  
5 defendant, at his or her own expense, to pursue a course of  
6 study toward a high school diploma or passage of the GED test.  
7 The Prisoner Review Board shall revoke the mandatory supervised  
8 release of a defendant who wilfully fails to comply with this  
9 subsection (j-5) upon his or her release from confinement in a  
10 penal institution while serving a mandatory supervised release  
11 term; however, the inability of the defendant after making a  
12 good faith effort to obtain financial aid or pay for the  
13 educational training shall not be deemed a wilful failure to  
14 comply. The Prisoner Review Board shall recommit the defendant  
15 whose mandatory supervised release term has been revoked under  
16 this subsection (j-5) as provided in Section 3-3-9. This  
17 subsection (j-5) does not apply to a defendant who has a high  
18 school diploma or has successfully passed the GED test. This  
19 subsection (j-5) does not apply to a defendant who is  
20 determined by the court to be developmentally disabled or  
21 otherwise mentally incapable of completing the educational or  
22 vocational program.

23 (k) (Blank).

24 (l) (A) Except as provided in paragraph (C) of subsection  
25 (l), whenever a defendant, who is an alien as defined by  
26 the Immigration and Nationality Act, is convicted of any

1 felony or misdemeanor offense, the court after sentencing  
2 the defendant may, upon motion of the State's Attorney,  
3 hold sentence in abeyance and remand the defendant to the  
4 custody of the Attorney General of the United States or his  
5 or her designated agent to be deported when:

6 (1) a final order of deportation has been issued  
7 against the defendant pursuant to proceedings under  
8 the Immigration and Nationality Act, and

9 (2) the deportation of the defendant would not  
10 deprecate the seriousness of the defendant's conduct  
11 and would not be inconsistent with the ends of justice.

12 Otherwise, the defendant shall be sentenced as  
13 provided in this Chapter V.

14 (B) If the defendant has already been sentenced for a  
15 felony or misdemeanor offense, or has been placed on  
16 probation under Section 10 of the Cannabis Control Act,  
17 Section 410 of the Illinois Controlled Substances Act, or  
18 Section 70 of the Methamphetamine Control and Community  
19 Protection Act, the court may, upon motion of the State's  
20 Attorney to suspend the sentence imposed, commit the  
21 defendant to the custody of the Attorney General of the  
22 United States or his or her designated agent when:

23 (1) a final order of deportation has been issued  
24 against the defendant pursuant to proceedings under  
25 the Immigration and Nationality Act, and

26 (2) the deportation of the defendant would not

1           deprecate the seriousness of the defendant's conduct  
2           and would not be inconsistent with the ends of justice.

3           (C) This subsection (1) does not apply to offenders who  
4           are subject to the provisions of paragraph (2) of  
5           subsection (a) of Section 3-6-3.

6           (D) Upon motion of the State's Attorney, if a defendant  
7           sentenced under this Section returns to the jurisdiction of  
8           the United States, the defendant shall be recommitted to  
9           the custody of the county from which he or she was  
10          sentenced. Thereafter, the defendant shall be brought  
11          before the sentencing court, which may impose any sentence  
12          that was available under Section 5-5-3 at the time of  
13          initial sentencing. In addition, the defendant shall not be  
14          eligible for additional good conduct credit for  
15          meritorious service as provided under Section 3-6-6.

16          (m) A person convicted of criminal defacement of property  
17          under Section 21-1.3 of the Criminal Code of 1961, in which the  
18          property damage exceeds \$300 and the property damaged is a  
19          school building, shall be ordered to perform community service  
20          that may include cleanup, removal, or painting over the  
21          defacement.

22          (n) The court may sentence a person convicted of a  
23          violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
24          subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
25          of 1961 (i) to an impact incarceration program if the person is  
26          otherwise eligible for that program under Section 5-8-1.1, (ii)

1 to community service, or (iii) if the person is an addict or  
2 alcoholic, as defined in the Alcoholism and Other Drug Abuse  
3 and Dependency Act, to a substance or alcohol abuse program  
4 licensed under that Act.

5 (o) Whenever a person is convicted of a sex offense as  
6 defined in Section 2 of the Sex Offender Registration Act, the  
7 defendant's driver's license or permit shall be subject to  
8 renewal on an annual basis in accordance with the provisions of  
9 license renewal established by the Secretary of State.

10 (Source: P.A. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09;  
11 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article  
12 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065,  
13 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;  
14 97-159, eff. 7-21-11; revised 9-14-11.)

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law.